

2011 No. 857

EQUALITY

**The Equality Act 2010 Codes of Practice (Services, Public
Functions and Associations, Employment, and Equal Pay) Order
2011**

Made - - - - *17th March 2011*

Coming into force - - *6th April 2011*

In accordance with section 14(6) of the Equality Act 2006(a) (“the 2006 Act”), the Commission for Equality and Human Rights (“the Commission”) published proposals for codes of practice in connection with matters addressed by the Equality Act 2010(b), and consulted such persons as the Commission thought appropriate.

In accordance with section 14(7)(a) of the 2006 Act, the Commission submitted drafts of the codes of practice to the Secretary of State, who approved these, notified the Commission and laid copies before Parliament on 12th October 2010.

The draft codes of practice lay before Parliament for the period of 40 days specified in section 14(8) of the 2006 Act, during which period neither House passed a resolution disapproving any of them.

In accordance with section 14(8)(a) of the 2006 Act, on 26th January 2011 the Commission issued the codes of practice in the form of the drafts that were laid before Parliament.

The Secretary of State, in exercise of the power conferred by section 14(8)(b) of the 2006 Act, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Equality Act 2010 Codes of Practice (Services, Public Functions and Associations, Employment, and Equal Pay) Order 2011 and comes into force immediately after the Former Equality Commissions’ Codes of Practice (Employment, Equal Pay, and Rights of Access for Disabled Persons) (Revocation) Order 2011(c).

(2) In this Order, “the codes” means the Equality Act 2010 Code of Practice on Services, Public Functions and Associations(d), the Equality Act 2010 Code of Practice on Employment(e) and the

(a) 2006 c. 3.
(b) 2010 c. 15.
(c) S.I. 2011/776.
(d) ISBN 9780108509728.
(e) ISBN 9780108509735.

Equality Act 2010 Code of Practice on Equal Pay^(a) issued by the Commission under section 14(1) of the Equality Act 2006^(b) on 26th January 2011.

Commencement of the codes

2. The codes shall come into force on 6th April 2011.

Theresa May
Secretary of State for the Home Department

17th March 2011

(a) ISBN 9780108509742.

(b) Section 14(1) was substituted by the Equality Act 2010 (c. 15), section 211(1) and Schedule 26, paragraphs 6, 10(1) and 10(2).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 6th April 2011 the Equality Act 2010 Code of Practice on Services, Public Functions and Associations (“the Services Code”), the Equality Act 2010 Code of Practice on Employment (“the Employment Code”) and the Equality Act 2010 Code of Practice on Equal Pay (“the Equal Pay Code”) (together “the codes”). The codes were issued by the Commission for Equality and Human Rights on 26th January 2011 under section 14(1) of the Equality Act 2006 as amended.

The codes are designed to ensure or facilitate compliance with provisions in the Equality Act 2010 (“the Act”) that came into force on 1st October 2010 pursuant to the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (S.I. 2010/2317 (C.112)). The Services Code covers Part 3 (including Schedules 2 and 3) of the Act, which makes it unlawful to discriminate against, harass or victimise a person when providing a service (which includes the provision of goods or facilities) or when exercising a public function. The Services Code also covers provisions in Part 7 (including Schedules 15 and 16) of the Act, which makes it unlawful for associations (including private clubs) to discriminate against, harass or victimise members, associates or guests. The Employment Code covers provisions in Chapters 1 and 4 of Part 5 (including Schedules 6, 8 and 9) of the Act, which make it unlawful to discriminate against, harass or victimise a person at work or in employment services, and restrict the circumstances in which potential employees can be asked questions about disability or health. The Employment Code also covers provisions in Part 10 of the Act relating to unenforceable terms in contracts, etc. The Equal Pay Code covers provisions in Chapter 3 of Part 5 (including Schedule 7) of the Act relating to equal pay between men and women; pregnancy and maternity pay; and provisions making it unlawful for an employment contract to prevent an employee disclosing his or her pay.

The Services Code and the Employment Code also cover the key concepts on which the Act is based, including the characteristics which are protected under the Act and the definitions of discrimination and other conduct which are prohibited by Parts 2 and 8 of the Act. They also cover section 158 relating to positive action in Part 11, and general exceptions in Part 14 (including Schedules 22 and 23), of the Act. The Services Code, the Employment Code and the Equal Pay Code also cover relevant provisions in Part 9 of the Act dealing with enforcement of its provisions.

The codes supersede various codes of practice, issued under previous discrimination legislation by former commissions dissolved by virtue of section 36 of the Equality Act 2006, which are revoked by the Former Equality Commissions’ Codes of Practice (Employment, Equal Pay, and Rights of Access for Disabled Persons) (Revocation) Order 2011 (S.I. 2011/776) with effect from 6th April 2011 subject to a transitional provision.

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